

**Bold and single underline** = new language since preliminary adoption

**~~Bold, strikeout and single underline~~** = new language being stricken since preliminary adoption

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **PROPOSED RULE AS PRELIMINARILY ADOPTED WITH IDEM'S SUGGESTED CHANGES**

LSA Document #01-375

Adds 326 IAC 11-8 concerning emission control limits for commercial and industrial solid waste incineration units. This rule incorporates federal air emission requirements for solid waste incineration units that burn commercial and industrial waste. Effective 30 days after filing with the secretary of state.

#### **HISTORY**

IC 13-14-9-7 Notice of Comment Period and Notice of First Hearing: November 1, 2001, Indiana Register (25 IR 560).

Date of First Hearing: February 6, 2002.

Proposed Rule and Notice of Second Hearing: March 1, 2002, Indiana Register (25 IR 1984).

Date of Second Hearing: May 1, 2002.

#### **326 IAC 11-8**

SECTION 1. 326 IAC 11-8 IS ADDED TO READ AS FOLLOWS:

##### **Rule 8. Commercial and Industrial Solid Waste Incineration Units**

<b>326 IAC 11-8-1</b>	<b>Applicability</b>
Authority:	IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected:	IC 13-15; IC 13-17

**Sec. 1. (a) Except as provided in subsections (b), (e), (f), and (g), this rule applies to each commercial and industrial solid waste incineration (CISWI) unit as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*, for which construction was commenced on or before November 30, 1999.**

**(b) The following are exempt from this rule:**

**(1) Incineration units burning ninety percent (90%) or more by weight (on a calendar**

quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*, provided the owner or operator of the incinerator does all of the following:

(A) Notifies the department and U.S. EPA that the unit meets these the criteria in this subdivision.

(B) Keeps records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes burned, and the weight of all other fuels and wastes burned in the unit.

(2) Incineration units burning ninety percent (90%) or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*, provided the owner or operator of the incinerator does all of the following:

(A) Notifies the department and U.S. EPA that the unit meets these the criteria in this subdivision.

(B) Keeps records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.

(3) Incineration units that meet either of the following criteria:

(A) Qualify as a municipal waste combustor regulated under 40 CFR 60, Subpart Cb\*, Ea\*, Eb\*, AAAA (65 FR 76350 (December 6, 2000))\* or BBBB (65 FR 76378 (December 6, 2000))\*.

(B) Burn greater than thirty percent (30%) municipal solid waste or refuse-derived fuel, as defined in 40 CFR 60 Subpart Ea\*, Eb\*, AAAA (65 FR 76350 (December 6, 2000))\* and BBBB (65 FR 76378 (December 6, 2000))\* and that have the capacity to burn less than thirty-five (35) tons ~~(thirty-two (32) megagrams)~~ per day of municipal solid waste or refuse-derived fuel, provided the owner or operator of the incinerator does all of the following:

(i) Notifies the department and U.S. EPA that the unit meets these the criteria in clause (A) or (B).

(ii) Keeps records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.

(4) Medical waste incineration units regulated under 40 CFR 60, Subpart Ca\* or Ec\*.

(5) Small power production units that meet all of the following requirements:

(A) The unit qualifies as a small power-production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C))\*.

(B) The unit burns homogeneous waste, not including refuse-derived fuel, to

produce electricity.

(C) The owner or operator notifies the department and U.S. EPA that the unit meets all of these the requirements in clauses (A) and (B).

(6) Cogeneration units that meet all of the following requirements:

(A) The unit qualifies as a cogeneration facility under Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B))\*.

(B) The unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator notifies the department and U.S. EPA that the unit meets all of these the requirements in clauses (A) and (B).

(7) Hazardous waste combustion units that meet either of the following criteria:

(A) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act\*.

(B) Units regulated under 40 CFR 63, Subpart EEE\*.

(8) Materials recovery units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(9) Cyclonic barrel burners as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*.

(10) Rack, part, and drum reclamation units as defined in 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\*.

(11) Cement kilns regulated under 40 CFR 63, Subpart LLL\*.

(12) Sewage sludge incinerators regulated under 40 CFR 60, Subpart O\*.

(13) Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The following types of units are considered chemical recovery units:

(A) Units burning only pulping liquors that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(C) Units burning only wood or coal feedstock for the production of charcoal.

(D) Units burning only manufacturing byproduct streams or residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for the use in other

manufacturing processes.

(G) Units burning only photographic film to recover silver.

(14) Laboratory analysis units that burn samples of materials for the purpose of chemical or physical analysis.

(c) The owner or operator of a unit listed in subsection (b) must submit an exemption notification no later than one (1) year from the effective date of this rule.

(d) Pathological waste exemptions submitted under 326 IAC 11-6 satisfy the conditions of subsection (b)(1).

(e) Air curtain incinerators or destructors that only burn one (1) of the following fuels are required to comply with only 40 CFR 60.2810 through 40 CFR 60.2870, 65 FR 75338 (December 1, 2000)\* and obtain approval under 326 IAC 4-1-6:

(1) One hundred percent (100%) wood waste.

(2) One hundred percent (100%) clean lumber.

~~(3) One hundred percent (100%) yard waste.~~

~~(4)~~ (3) One hundred percent (100%) mixture of only wood waste, clean lumber, yard waste, or any combination of these wastes.

(f) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction, as defined in 40 CFR 60.2875\*, on or after June 1, 2001, the CISWI unit becomes subject to 40 CFR 60, Subpart CCCC, 65 FR 75338 (December 1, 2000)\* and 326 IAC 12, and this rule no longer applies to that CISWI unit.

(g) Physical or operational changes made to an existing CISWI unit primarily to comply with emission limits under this rule are not considered modifications or reconstructions and do not result in an existing CISWI unit becoming subject to 40 CFR 60, Subpart CCCC, 65 FR 75338 (December 1, 2000)\*.

\*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-8-1*)

326 IAC 11-8-2      Requirements; incorporation by reference of federal standards  
Authority:      IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

**Sec. 2. (a) The air pollution control board incorporates by reference the following ~~provisions~~ sections of 40 CFR 60, Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999, 65 FR 75338 (December 1, 2000):**

- (1) 40 CFR 60.2575 through 40 CFR 60.2615 Increments of Progress\*.**
- (2) 40 CFR 60.2620 through 40 CFR 60.2630 Waste Management Plan\*.**
- (3) 40 CFR 60.2635 through 40 CFR 60.2665 Operator Training and Qualification\*.**
- (4) 40 CFR 60.2670 through 40 CFR 60.2685 Emission Limitations and Operating Limits\*.**
- (5) 40 CFR 60.2690 through 40 CFR 60.2695 Performance Testing\*.**
- (6) 40 CFR 60.2700 through 40 CFR 60.2705 Initial Compliance Requirements\*.**
- (7) 40 CFR 60.2710 through 40 CFR 60.2725 Continuous Compliance Requirements\*.**
- (8) 40 CFR 60.2730 through 40 CFR 60.2735 Monitoring\*.**
- (9) 40 CFR 60.2740 through 40 CFR 60.2800 Record Keeping and Reporting\*.**
- (10) 40 CFR 60.2805 Title V Operating Permits\*.**
- (11) 40 CFR 60.2810 through 40 CFR 60.2870 Air Curtain Incinerators\*.**
- (12) 40 CFR 60.2875 Definitions\*.**
- (13) 40 CFR 60 Subpart DDDD Table 1 through 5\*.**

**(b) For the purposes of this rule, these terms used in 40 CFR 60.2575 through 40 CFR 60.2875, 65 FR 75338 (December 1, 2000)\* are defined as follows:**

- (1) “Administrator” means the commissioner of the department of environmental management.**
- (2) “You” means the owner or operator of a CISWI unit.**

**(c) An owner or operator subject to ~~the control requirements in subsection~~ section 1 (a) must comply with this rule no later than one (1) year from the effective date of this rule unless the owner or operator:**

- (1) submits a final control plan no later than one (1) year from the effective date of this rule; or**
- (2) requests and is granted an extension of the closure date pursuant to subsection (e).**

**(d) If the owner or operator submits a final control plan, the compliance dates for the increments of progress in 40 CFR 60, Subpart DDDD Table 1, 65 FR 75338 (December 1, 2000)\* are as follows:**

- (1) The compliance date for Increment 1–Submit Final Control Plan shall be one (1)**

year from the effective date of this rule.

(2) The compliance date for Increment 2– Final Compliance shall be September 1, 2005.

(e) An owner or operator may request an extension of the closure date to achieve compliance as expeditiously as possible, but no later than September 1, 2005, by submitting a closure notification pursuant to 40 CFR 60.2615\* and 40 CFR 60.2855\*, 65 FR 75338 (December 1, 2000)\*, as follows:

(1) The request for extension which shall include all of the following supporting documentation:

~~(1)~~ (A) Analysis that supports the need for the requested extension.

~~(2)~~ (B) Explanation of why the compliance date a closure date of one (1) year after the effective date does not provide sufficient time to shut down.

~~(3)~~ (C) Explanation of why the requested closure date provides sufficient time to shut down.

(2) The documentation request for extension shall be submitted to the department within eight (8) months from the effective date of this rule and the department shall grant or deny the extension in a written response to the owner or operator within three (3) months of receipt of a closure notification that contains all required information.

(3) An owner or operator shutting down the incinerator shall submit a waste management plan, as defined in 40 CFR 60.2620 through 40 CFR 60.2630, no later than one (1) year after the effective date of this rule.

\*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-8-2*)